

**REMARKS**

The last office action has been carefully considered.

Objections Under 37 CFR 1.75(c)

Claims 14-24 have been amended so as to overcome this objection. It is therefore respectfully requested that this objection be withdrawn.

Drawings Objection

The Specification has been amended to identify the pull tab as element 11. It is therefore respectfully requested that drawing objection be withdrawn.

35 USC § 112 Rejections

Claims 1-24 were rejected under 35 USC 112, second paragraph as being indefinite. With the exception of claim 6, these claims have been amended to overcome these rejections. It is therefore respectfully requested that these rejections be withdrawn.

As to the rejection of claim 6, line 1-2, the recitation of "said warning statement includes visual cues and tactile awareness." The Examiner's attention is directed toward page 4, lines 8-10 and page 6, line 15 through page 7, line 4 of the present specification for providing proper antecedent basis in the Specification. It is therefore respectfully requested that this rejection to claim 6 be withdrawn.

Claim Rejections Under 35 US 102 and 35 US 102  
as to Key (US 6, 385,878)

---

Claims 1 and 13 stand rejected under 35 USC 102(b) as being anticipated by Key (US 6,385,878). Claims 2 and 22 stand rejected under 35 USC 103(c) over Key. Claims 1 and 20 stand rejected under 35 USC 103(c) over Key in view of Novice et al (US 5,205,827) Applicant respectfully traverses these rejections for the following reasons:

Independent claim 1 recites in pertinent part a safety seal system for maintaining alert medications prior to use or administration and a heat-shrink plastic cover, a seal and other distinguishing characteristics on the seal to differentiate a high-alert medication to a person preparing the medical container at point of use or administration to prevent the container from being mistaken for a different container.

The patent to Key relates to a tamper-evident labeling system that rotates 360 degrees to provide additional product labeling space and at the same time provide a tamper-evident seal in order that consumers can identify if the contents of the container were altered after the manufacturer produced and sealed the product.

Key does not address providing multiple alerts visual, tactile and functional to the provider in the process of medication administration and drawing the provider's special attention to these products.

Further, Key does not disclose or suggest tactile awareness or enforcing function to help identify the product in and the prevention of hand medication errors. Key does not disclose or suggest injectable vial containers, syringes or infusion bags as these products have tamper-evident closures so one skilled in the art would not have used the system in Key as it would not have been necessary for these products.

Further, the recited pull tab of the claimed invention is not disclosed or suggested in the patent to Key where instead perforated lines aid in the removal of the seal. The pull tab of the claimed invention is necessary to facilitate removal as an extra safety enhancement as caregivers may need these medications immediately in critical situations.

Accordingly it is respectfully submitted that claim 1 and the rest of the claims in the present application, for the aforementioned reasons are not

taught or suggested by Key, either alone or in combination with Novacek, et al. It is therefore respectfully required that the rejections be withdrawn.

In view of the amendments and arguments presented herein, it is respectfully requested that the claims remaining in the present application be passed to issue.

Respectfully submitted

Dated: February 28, 2006

By:



Richard B. Klar  
Registration No. 31,385

CUSTOMER NO. 01109

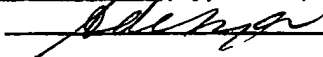
ANDERSON KILL & OLICK, P.C.  
1251 Avenue of the Americas  
New York, New York 10020-1182  
(212) 278-1000

CERTIFICATE OF MAILING

I hereby certify that this AMENDMENT is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on  
February 28, 2006.

Audrey de Souza

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)